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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,437	01/31/2001	Wesley McMillan Devine	5577-224	8019

20792 7590 05/31/2005

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EXAMINER
MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,437	DEVINE ET AL.	
	Examiner	Art Unit	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) *9-18, 20, 22-23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

MD

DETAILED ACTION

1. This Action is in regards to the written election received on 17 March 2005.

Election/Restrictions

2. Claims 9-18, 20, and 22-23 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 17 March 2005.

Response to Amendment

3. Examiner acknowledges amendment to claim 4 regarding 35 U.S.C. 112 2nd paragraph issue. This rejection has been withdrawn.

Response to Arguments

4. Applicant's arguments with respect to claim 1-8, 19, and 21 have been considered but are moot in view of the new ground(s) of rejection. This action is **non-final**. See below for rejections.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8, 19, and 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1, 19, and 21: although it is known to the examiner that "IP" stands for "Internet protocol", subject matter enclosed within parentheses generally does not carry patentable weight and is interpreted as exemplary. Examiner suggests removing parentheses, quotes, and "Internet protocol", since an IP connection is well know in the art. Correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 21 rejected under 35 U.S.C. 101 because the claim is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 7, lines 13-17, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. hard disks, CD-ROMs, optical storage devices, and magnetic storage devices) and intangible embodiments (e.g. a transmission media such as those supporting the Internet or an intranet [including but not limited to carrier waves which are non-statutory]). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 2, 5, 8, 19, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Desgrousilliers (U.S. 5,881,239), in view of TDB-ACC-NO: NNRD422115 hereinafter referred to as IBM-422115.

a. As per claims 1, 19, and 21, Desgrousilliers teaches: reestablishing the IP connection between the server and the client (line 59 of column 9 through line 7 of column 10). The system disclosed in Desgrousilliers teaches that they are telnet client/servers, but fail to teach the client and server being specifically TN3270E clients and TN3270E servers. The TN3270E is a specific type of telnet server, so it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use the TN3270E server as the telnet server as taught by Desgrousilliers. IBM-422115 teaches TN3270 servers however (see below). Desgrousilliers also teaches: forwarding request to the host application (lines 10-13 of column 3). Desgrousilliers does not explicitly teach the host application as an SNA application or the request as a screen request. However, IBM-422115 discloses: "When a Telnet 3270 (TN3270) Client exchanges files with an SNA Host across a Telnet 3270 Server, the packets of information related to the file being exchanged are sent between the Client and its Server using the same sessions (TCP and SNA sessions) than those

used for screen related interactions such as a screen refresh," (paragraph 1 of disclosure). SNA applications are just a specific set of applications and screen refresh requests are in the service request subset, so it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the application as an SNA application and the service request as a screen refresh request in the system as taught by Desgrousilliers.

b. As per claim 2, Desgrousilliers teaches: receiving a refresh from the application (line 54 of column 2 through line 10 of column 3); and forwarding the screen refresh to the client over the reestablished IP connection (lines 10-13 of column 3). Desgrousilliers does not explicitly teach screen refreshes, SNA applications, and TN3270E equipment, but these limitations are discussed in the rejection of claim 1 above and will not be scrupulously discussed hereinafter.

c. As per claim 5, Desgrousilliers teaches: wherein the screen refresh received from the SNA application and forwarded to the TN3270E client comprises a last data screen that was forwarded from the SNA application and acknowledged as received by the TN3270E client (lines 29-37 of column 3).

d. As per claim 8, Desgrousilliers teaches: the IP connection comprises a TCP/IP connection (lines 15-20 of column 1).

11. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Desgrousilliers in view of IBM-422115 as applied to claim 2, further in view of Lederer et al. (U.S. 5,325,361) hereinafter referred to as Lederer.

As per claim 3, Desgrousilliers does not explicitly teach: the step of forwarding a screen refresh request to the SNA application comprises sending an LUSTAT message to the SNA application. However, Lederer discloses: "an LUSTAT RU (IBM SNA protocol) is transmitted by the host computer module 26 to the host application program 24 associated with the Application Session Block," (lines 38-41 of column 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the step of forwarding a screen refresh request to the SNA application comprise sending an LUSTAT message to the SNA application. "The LUSTAT RU command indicates to the host application program 24 that it may now transmit data," (lines 42-43 of column 2 in Lederer). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the step of forwarding a screen refresh request to the SNA application comprise sending an LUSTAT message to the SNA application in the system as taught by Desgrousilliers and IBM-422115.

12. Claims 4 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Desgrousilliers in view of IBM-422115 and Lederer as applied to claims 2 and 4 respectively, further in view of Li et al. (U.S. 6,374,207 B1) hereinafter referred to as Li.

a. As per claim 4, Desgrousilliers teaches: forwarding the user logon screen to the TN3270E client (lines 62-65 of column 4 and step 78 in Fig. 9); receiving logon information from the TN3270E client (lines 62-65 of column 4 and step 78 in Fig. 9); checking the authenticity of the received logon information (line 62 of column 4 through

line 3 in column 5 and Fig. 9); and forwarding the screen refresh to the TN3270E client over the reestablished IP connection only if the received logon information is authentic (lines 2-3 of column 5 and step 80 in Fig. 9).

Desgrousilliers does not explicitly teach: receiving a user logon screen from the SNA application. However, Li discloses: "When the application 135 provides a login screen to the terminal emulation program 110, the terminal emulation program 110 determines that the screen includes the feature USERID and inputs a username/password to the application 135 which logs the client 115 into the application 135," (lines 53-57 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a user logon screen from the application. "It will be understood that, as shown in FIG. 1B, the user and the client may be remote from each other such as when the terminal emulation program 110 runs on a mid-tier server 150 to conduct terminal emulation sessions for multiple clients 165, 170 (such as web browsers) running on respective client workstations 155, 160," (lines 57-64 of column 3 in Li). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to receive a user logon screen from the application in the system as taught by Desgrousilliers, IBM-422115, and Lederer.

Desgrousilliers does not explicitly teach: receiving a user logon screen in response to an LUSTAT message. However, Lederer discloses: "an LUSTAT RU (IBM SNA protocol) is transmitted by the host computer module 26 to the host application program 24 associated with the Application Session Block," (lines 38-41 of column 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a user logon screen in response to an LUSTAT message. "The LUSTAT RU command indicates to the host application program 24 that it may now transmit data," (lines 42-43 of column 2 in Lederer). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to receive a user logon screen in response to an LUSTAT message in the system as taught by Desgrousilliers, and IBM-422115.

b. As per claim 7, Desgrousilliers teaches: the steps of forwarding a screen refresh request to the SNA application, receiving a screen refresh from the SNA application and forwarding the screen refresh to the TN3270E client over the reestablished IP connection are performed by the TN3270E server (line 54 of column 2 through line 13 of column 3 and Fig. 6-9).

13. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Desgrousilliers in view of IBM-422115 as applied to claim 1, further in view of Lederer and Li.

As per claim 6, Desgrousilliers teaches: forwarding the user logon screen to the TN3270E client (lines 62-65 of column 4 and step 78 in Fig. 9); receiving logon information from the TN3270E client (lines 62-65 of column 4 and step 78 in Fig. 9); checking the authenticity of the received logon information (line 62 of column 4 through line 3 in column 5 and Fig. 9); and resuming the session if the received logon information is authentic (lines 2-3 of column 5 and step 80 in Fig. 9).

Desgrousilliers does not explicitly teach: receiving a user logon screen from the SNA application. However, Li discloses: "When the application 135 provides a login screen to the terminal emulation program 110, the terminal emulation program 110 determines that the screen includes the feature USERID and inputs a username/password to the application 135 which logs the client 115 into the application 135," (lines 53-57 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a user logon screen from the application. "It will be understood that, as shown in FIG. 1B, the user and the client may be remote from each other such as when the terminal emulation program 110 runs on a mid-tier server 150 to conduct terminal emulation sessions for multiple clients 165, 170 (such as web browsers) running on respective client workstations 155, 160," (lines 57-64 of column 3 in Li). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to receive a user logon screen from the application in the system as taught by Desgrousilliers, IBM-422115, and Lederer.

Desgrousilliers does not explicitly teach: receiving a user logon screen in response to the screen refresh request. However, Lederer discloses: "an LUSTAT RU (IBM SNA protocol) is transmitted by the host computer module 26 to the host application program 24 associated with the Application Session Block," (lines 38-41 of column 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a user logon screen in response to the screen refresh

request. "The LUSTAT RU command indicates to the host application program 24 that it may now transmit data," (lines 42-43 of column 2 in Lederer). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to receive a user logon screen in response to the screen refresh request in the system as taught by Desgrousilliers, and IBM-422115.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TDB-ACC-NO: NN86034419 discloses use of host application name on status menu and SNA.

TDB-ACC-NO: NN8804238 discloses method for obtaining a three-station 3270 emulation network.

TDB-ACC-NO: NB920958 discloses applications for the TCP/IP Telnet Protocols.

TDB-ACC-NO: NB930617 discloses remote telephone feature controller via electronic distribution.

TDB-ACC-NO: NNRD410137 discloses host based correlation and performance management.

McKay et al. (U.S. 4,893,307) discloses method for linking SNA terminals to an SNA host over a packet switched communications network.

Caro (U.S. 4,949,248) discloses system for shared remote access of multiple application programs executing in one or more computers.

Filepp et al. (U.S. 5,347,632) discloses reception system for an interactive computer network.

Morita et al. (U.S. 5,590,340) discloses method for suspending and resuming software application on computer.

Jacobs et al. (U.S. 5,611,048) discloses remote password administration for a computer network among a plurality of node sending a password update message to all nodes and updating on authorized nodes.

Kikinis (U.S. 5,727,159) discloses system in which a proxy-server translated information received from the internet into a form/format readily usable by low power portable computers.

Sheh et al. (U.S. 5,754,752) discloses end-to-end session recovery.

Butts et al. (U.S. 5,754,830) discloses server and web browser terminal emulator for persistent connection to a legacy host system.

Ito et al. (U.S. 5,832,510) discloses information processing system enabling access to different types of files.

Donahue et al. (U.S. 5,835,721) discloses system for data transmission over a network link between computers with the ability to withstand temporary interruptions.

Bell et al. (U.S. 5,935,215) discloses system for actively updating routing in TCP?IP connections using TCP/IP messages.

Gollnick et al. (U.S. 5,940,771) discloses network roaming and sleeping terminals.

Sanu et al. (U.S. 5,974,409) discloses system and method for locating information in an on-line network.

King et al. (U.S. 6,014,702) discloses host information access via distributed programmed objects.

Slaughter et al. (U.S. 6,014,669) discloses highly-available distributed cluster configuration database.

Cotner et al. (U.S. 6,031,978) discloses system for enabling a client to reconnect to a same server in a network after the server has moved to a different network address.

Isaacson et al. (U.S. 6,065,116) discloses method for configuring a distributed application program.

Doyle et al. (U.S. 6,128,738) discloses certificate based security in SNA data flows.

Bolton et al. (U.S. 6,128,662) discloses display-model mapping for TN3270 client.

Win et al. (U.S. 6,182,142 B1) discloses distributed access management of information resources.

Habusha et al. (U.S. 6,205,498 B1) discloses system for message transfer session management.

DeBettencourt et al. (U.S. 6,279,001 B1) discloses web page management in multiple servers.

Chmielewski et al. (U.S. 6,330,607 B1) discloses system for recovering system resources used by an inactive telnet client.

Hanson et al. (U.S. 6,546,425 B1) discloses method for providing mobile and other intermittent connectivity in a computing environment.

Devine et al. (U.S. 6,598,167 B2) discloses secure customer interface for web based data management.

Grealish (U.S. 6,711,715 B1) discloses system for efficient storage and restoration of display state data.

Lo (U.S. 6,738,804 B1) discloses method for enabling sectored data refreshing of web-site data during session.

Giroir et al. (U.S. 6,826,603 B1) discloses system for automatically configuring telnet 3270 clients in an internet protocol network.

Giroir et al. (U.S. 6,829,642 B1) discloses system for automatically configuring telnet 3270 clients in an internet protocol network.

Japan Abstracts: JP 03055648 A discloses terminal reconnection to remote application.

Japan Abstracts: JP 11120140 A disclose method for automatically activating application on terminal computer.

Japan Abstracts: JP 07319818 A discloses reprocessing method for on-line application system

Devine, Mac; "The TN3270 Server on IBM..." discloses SNA applications in TN3270 servers and telnet.

Khare, Rohit; "Telnet: The mother of all (application) protocols" discloses telnet in general and includes misc. references.

RFC 1576 discloses transferring TN3270 display terminal data using telnet.

RFC 1646 discloses requesting specific devices using TN3270 servers.

RFC 1647 discloses emulating terminal and printer devices using telnet.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER